



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** ADA 3320

**Objector:** A parent

**Admission Authority:** The Governing Body of Sandringham School

**Date of decision:** 12 July 2017

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2018 determined by the Governing Body for Sandringham School, St Albans, Hertfordshire.**

**I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.**

**By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.**

### **The referral**

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by a parent, (the objector), about the admission arrangements (the arrangements) for Sandringham School, an academy school for children aged 11 to 18. The objection is to oversubscription criteria that give priority to a maximum of 55 children who live in Harpenden and Wheathampstead, above children who live in the immediate vicinity of the school.
2. The local authority for the area in which the school is located is Hertfordshire County Council. The local authority is a party to this objection. Other parties to the objection are the school and the objector.

### **Jurisdiction**

3. The terms of the Academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and

arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the governing body, which is the admission authority for the school, on that basis. The objector submitted her objection to these determined arrangements on 15 May 2017. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

## **Procedure**

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:
  - a. the objector's form of objection dated 15 May 2017 and subsequent correspondence;
  - b. the admission authority's response to the objection and supporting documents;
  - c. the comments of the local authority on the objection and information about the allocation of school places that I requested;
  - d. maps of the area identifying relevant schools;
  - e. confirmation of when consultation on the arrangements last took place;
  - f. copies of the minutes of the meeting at which the governing body of the school determined the arrangements and of other meetings; and
  - g. a copy of the determined arrangements.

## **The Objection**

6. In its admission arrangements for 2017, the school increased the number of places "ring-fenced" for children living in Wheathampstead from 25 to 40 and added a criterion providing for up to 15 places to be allocated to children living in Harpenden. The arrangements determined for September 2018 are unchanged. The objector says that the consultation about the change to the arrangements in 2017 did not meet the requirements of the code as funds to support the increase had already been allocated by the local authority. This, she argues, indicates that agreement had already been reached and that the process was neither 'open' nor 'fair'. She also says that children living in St Albans, where the school is situated, and in Sandridge have been unable to attend "*their local comprehensive school*" as the increase in roll has benefited children from Wheathampstead and Harpenden, which she describes as "*very wealthy communities with a powerful parental voice.*" She concludes the objection with these words,

*"it is vital that our society is not governed by social injustice and that*

*school places are allocated fairly and transparently.”*

7. The objector does not refer to specific parts of the Code, but the section most relevant to her objection appears to me to be paragraph 14, which says:

*“admission authorities **must** ensure that the practices and criteria used to decide the allocation of school places are fair, clear and objective.”*

Paragraph 1.8 adds that oversubscription criteria “**must be reasonable.**”

8. I am unable to consider the part of the objection about the consultation that preceded the change to the arrangements for 2017 as my jurisdiction is limited to the arrangements for 2018 (the deadline for objections to the 2017 arrangements having been 15 May 2016). The objection itself refers throughout to the 2018 arrangements. No consultation was necessary before the arrangements were determined for 2018 as they are identical to the 2017 arrangements (other than so far as dates are concerned) and consultation is needed only when arrangements change or every seven years.

### **Other Matters**

9. When I considered the arrangements as a whole I noted the following sentence immediately below the list of oversubscription criteria (which are known locally as “rules” and are summarised in paragraph 12 below),

*“If more children qualify under a particular rule than there are places available, a tie-break will be used by applying the next rule to those children.”*

It was unclear to me how this provision would be applied. For example, if there were more children qualifying under rule v (residence in Wheathampstead) than places available, the arrangements are clear that random allocation will be used. The next rule (residence in Harpenden) could, by definition, not be used as a tie-break for children living in Wheathampstead. I considered that this provision may be in breach of the Code’s requirement that admission arrangements are “*clear*” (paragraph 14).

### **Background**

10. Sandringham School is located in the north-east of the city of St Albans. There are two other secondary schools to the north of the city centre: a girls’ school and a Church of England Voluntary Aided School. All of the other secondary schools in St Albans are further south. The school is in the parish of Sandridge, which includes part of the urban area of St Albans and the village of Sandridge to the north. Wheathampstead is about two miles north of Sandridge on the same arterial road. The town of Harpenden is also north of St Albans and is about five miles from Sandringham School.

11. The school increased its Published Admission Number (PAN) from 180 to 210 in September 2015. This followed a permanent expansion of its buildings. The arrangements determined for 2015 provided that priority for 25

of the additional places would be given to children living in Wheathampstead. In response to an approach from the local authority, the PAN was increased further in September 2017, to 240. This was to meet a shortage of places in the Harpenden area, due to increasing pupil numbers and a delay in the opening of a proposed Free School. The school agreed to support the local authority in providing these additional places for a maximum of two years in return for £350,000. This figure represented the amount required to complete the 2015 building expansion, for which there had been a financial shortfall. Priority for 15 of the additional places was added to the number for which priority was given to Wheathampstead children and priority for the other 15 was to be for children living in Harpenden. The school expects that its PAN will be reduced to 210 for admissions in 2019 and that the priority for children living in Wheathampstead and Harpenden will then disappear from its arrangements. Such a change would need to be subject to consultation at the appropriate time, in accordance with the Code's requirements. The local authority reports that there were 1386 applications for places at the school for September 2017, including 351 first preferences.

12. The oversubscription criteria determined for September 2018 can be summarised as:

- i) Looked after children and previously looked after children
- ii) Children with a compelling medical reason for attending the school
- iii) Children with a sibling already at the school
- iv) Children of staff
- v) Up to 40 places (inclusive of those already allocated under criteria i) – iv)) for children living in the parish of Wheathampstead, by random allocation
- vi) Up to 15 places (inclusive of those already allocated under criteria i) – iv) for children living in the parish of Harpenden, by random allocation
- vii) Children who live nearest to the school.

Following the oversubscription criteria is the sentence I referred to above, which I considered unclear. The arrangements also explain how distance will be measured and say that if distances are equal, the final places will be allocated by random allocation, the procedure for which is described.

### **Consideration of Case**

13. The objector's key argument is that it is unfair that priority for the additional places that have been provided at the school since 2017 will be given to children living in Wheathampstead and Harpenden. She states that the number of children living in close proximity to the school is increasing and that therefore there is a greater demand for places and says,

*“Local children have been disadvantaged as expanding Sandringham has not benefited them.”*

14. Information provided by the local authority, summarised in the table below, allows me to compare the pattern of admissions to the school in 2016 with that for 2017. I am thus comparing the first year to which the current arrangements applied (with the increased PAN and children in Wheathampstead having priority for 40 places and children in Harpenden having priority for 15), with the previous year, when children in Wheathampstead had priority for 25 places.

<b>Date of entry</b>	<b>Total of applications</b>	<b>Children admitted from the parish of Sandridge</b>	<b>Distance from school of last child admitted</b>	<b>First preference applicants not admitted whose nearest school is Sandringham</b>
Sept 2016	1243	129	1303 m	37
Sept 2017	1386	142	985 m	58

This information needs to be interpreted with a degree of caution, as the figures for children entering the school in September are provisional. Nonetheless, it is clear that slightly more children from Sandridge will be admitted to the school in September 2017. However, the distance from the school within which an applicant needed to live in order to be admitted under the final criterion was significantly shorter. Although Sandringham does not use *“children for whom this is the nearest school”* in its oversubscription criteria, it is the case that in 2017, there is an increase of over 50 per cent in the number of children not admitted, whose first preference was Sandringham and for whom it is their nearest school. These children will not necessarily all live in Sandridge or St Albans. Sandringham is also the nearest school to Wheathampstead.

15. The change to the oversubscription criteria in 2017 at first sight was neutral as far as children living in the vicinity of the school were concerned. The PAN was increased by 30, but priority for all of these places was in the first instance for children living in Wheathampstead and Harpenden. In fact, six of the Harpenden places were not taken up and, as a result, increased the places allocated on the basis of distance from the school, thus benefitting some at least of those for whom the objector is concerned.

16. The reduction in the distance from the school within which children were able to obtain a place on the basis of living near to the school can be explained by two inter-connected factors: an increase in both the number of applications and the population of children of the age of transfer living close to the school.

17. The local authority is forecasting that, despite the increase in PAN at Sandringham, there will be a small deficit of places across the St Albans and Harpenden areas in September 2018. The demand for places will increase significantly the following year. Additional places are planned to be provided for St Albans children in 2019, by which time a new Free School is expected to have opened in Harpenden. According to the headteacher, the intention is

that the PAN for Sandringham will be reduced to 210 with effect from 2019 and the priority for children from Wheathampstead and Harpenden will be removed. Of course, and as noted above, these changes will require the normal consultation to make changes to admission arrangements. Whilst it is interesting to know the local authority's plans to address the demand for secondary places, what may happen in the future is not of direct concern to me. I have to determine if it is fair and reasonable for the school to prioritise 55 children from Wheathampstead and Harpenden in its arrangements for September 2018.

18. In its response to the objection, the school says that its arrangements do not disadvantage children from Sandridge and St Albans as the number who will be able to be admitted on the basis of distance from the school has not been affected by the change made in 2017. The increase in the PAN is described by the headteacher as,

*“an example of high-quality strategic planning, making resources available at the right time to the right area.”*

The demographic pressure will, he says, be felt in St Albans a little later than in Harpenden. In St Albans there is still capacity to admit children to local schools.

19. The local authority confirms that places were provided in schools in St Albans for children from the area who were not allocated a place at any of the schools that their parents made a preference. It calls these *“non-ranked allocations.”* Only four of these children were allocated places at schools at or beyond the statutory distance of three miles, which is the maximum that a child is expected to walk to a secondary school. These figures do not, of course, take into account the large number of children for whom Sandringham was their first preference, but who were allocated one of their lower preferences. The disappointment felt will in many cases be just as intense for these children and their parents as for those given a non-ranked allocation.

20. The objector questions why the additional places for children from Wheathampstead and Harpenden were not provided at under-subscribed schools in St Albans, particularly as Sandringham School had, she says, alluded to significant pressure on resources in documentation prepared for school admission appeals. In response, the local authority provided figures showing that all schools in the city are fully subscribed for September 2017, with the exception of a Roman Catholic School. This school is located in the south of St Albans, further from Harpenden than any other of the secondary schools.

21. The local authority's response does not fully answer the objector's query. It may well have been possible to have provided the additional places at a school that had not historically been as over-subscribed as Sandringham. The objector mentions Townsend Church of England School, which is closer to Harpenden than Sandringham. Its admission policy gives priority for 40 per cent of its places as *“community places.”* Indeed, the local authority made 12 non-ranked allocations to Townsend for children from Wheathampstead and

Harpenden.

22. However, I do not think there is anything to be gained for the objector by pursuing this argument. If the local authority had arranged to provide the additional places it needed at another school, it would have not have needed to ask Sandringham to increase its PAN. Had the PAN not been increased there would have been no additional places for any children irrespective of where they may live. The local authority had identified a specific need for places for children from Wheathampstead and Harpenden. It was that need it was seeking to meet at Sandringham, rather than the increased local demand for places.

23. The additional places have been provided for a specific purpose. This provision has not caused any additional disadvantage for children living closer to the school. For this reason, I consider that the arrangements for 2018 are not unfair.

24. I also need to decide if the oversubscription criteria are “reasonable”, as required by paragraph 1.8 of the Code. On the face of it, it might appear to be strange that some children living closer to the school may not be allocated a place, whilst priority at the same time for some places is given for children living further away. However, the alternative of not designating the places in this way would be likely to have led to children from Wheathampstead having to travel to schools in other parts of St Albans, significantly more distant to them than Sandringham. That might also have appeared strange.

25. As is often the case when demographic pressures increase, ensuring ideal outcomes for all children may not be possible. Alternative secondary school places are closer for children living in Sandridge and St Albans than for those living in Wheathampstead. I recognise that this may be of little consolation to children unable to attend their nearest school, but it does demonstrate a logic underlying the oversubscription criteria. The objector appears to suggest that decision-making has been influenced by factors such as parental income and support, but has not provided any specific evidence to support this suggestion.

26. I am not required to consider whether the criteria are the best possible in the circumstances; I must simply decide if they conform with the Code. My conclusion is that they do. The situation for children living in Harpenden is different from those in Wheathampstead but as, in common with many secondary schools, Sandringham is organised on the basis of “forms of entry”, that is, multiples of 30 children, I do not think it is unreasonable for the 15 additional places to be combined with the 15 for children from Wheathampstead. As I have found that the arrangements are neither unfair nor unreasonable, I do not uphold the objection.

27. In response to the concern I expressed about the clarity of the arrangements, the school acted quickly. I have been provided with a proposed revised set of arrangements. The sentence that appeared to me to be unclear has been deleted and more explanation about how tie-breaks will operate has

been added. I am satisfied that the amendments have made the arrangements clear, as the Code requires. They will need to be determined formally by the governing body in due course.

### **Summary of Findings**

28. The places within the school's oversubscription criteria for which priority is given to children living for children living in Wheathampstead and Harpenden have been provided to meet an identified demographic pressure. Children living nearer the school are not directly disadvantaged as the number of places for which priority is given on the basis of distance from the school has not changed. Indeed, as in 2017 six of the places for which priority was given to Wheathampstead children were not taken up, there has been a small gain for children living near to the school. I therefore consider the arrangements to be in conformity with the requirements relating to admissions. . Although the arrangements may at first glance seem unusual or even strange, there is a logic underpinning the oversubscription criteria and I find that they meet the Code's requirements.

### **Determination**

29. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the governing body for Sandringham School, Hertfordshire.

30. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

31. By virtue of section 88K(2), the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination.

Dated: 12 July 2017

Signed:

Schools Adjudicator: Peter Goringe